

REMARKS/ARGUMENTS

After the foregoing Amendment, Claims 1 – 3, 5 – 8, 10 – 17, 19 – 24, and 26 – 37 are currently pending in this application. Claims 4, 9, 18 and 25 have been cancelled. Claims 1, 6, 12 and 23 have been amended. Claims 30 – 37 are new. Applicant submits that no new matter has been introduced into the application by these amendments.

Claim Rejections - 35 USC §103(a)

Claims 1 – 9, 12 – 19, 22 – 26 and 29 were rejected under 35 U.S.C. §103(a) as obvious over Leach (US Patent No. 2,961,119) in view of Mogard et al. (U.S. Patent No. 5,934,496). Applicant respectfully traverses the rejection.

Claims 10, 11, 20, 21, 27 and 28 were rejected under 35 U.S.C. § 103(a) as unpatentable over the references as applied to claim 6 above, and further in view of Marvin (U.S. Patent No. 5,016,777).

Applicant traverses the rejections. The present invention as currently claimed in independent claim 1 is a method for providing a hinged guarantee closure for a container. The closure includes a non-threaded cap having an integral closing member for closing cooperation with an opening in the container. The closure also includes a ring member for connection to the container around the

opening, in a state preventing the ring member to move relative to the container. The method includes injection moulding the guarantee closure in a closed state, i.e., with a guarantee seal. The closure being injection moulded, by using a mould having a collapsible core, in such a form that the moulded closure comprises said cap and said ring member, connected by a hinge element and at least one guarantee connection, axially spaced from each other. The guarantee connection is formed generally flush with exterior surfaces of the cap and ring members; the hinge element is located at a periphery of the cap.

The invention as currently claimed in independent claim 6 is a method for providing a hinged guarantee closure on a container opening. The closure includes a non-threaded cap having an integral closing member for closing cooperation with the container opening in a state preventing the ring member to move relative to the container. The method includes injection moulding the closure in a closed state, i.e., with a guarantee seal. The closure being injection moulded, by using a mould having a collapsible core, in such a form that the moulded closure includes the cap with the integral closing member and the ring member, connected by a hinge and guarantee connection connected to the cap, and axially spaced relative to the cap. The hinge is located at a periphery of the cap, and the closure is made having a coupling part. The guarantee connection is formed generally flush with exterior

surfaces of the cap and ring members and the container is provided with a coupling part that cooperates therewith.

The application as currently claimed in independent claim 10 is a hinged guarantee closure for an opening in a container. The closure includes a non-threaded cap having an integral closing member for cooperation with the opening, and a ring member for connection to the container around the opening in a state preventing the ring member to move relative to the container. The cap and ring member are connected by a hinge element and at least one guarantee connection. The hinge element is located at a periphery of the cap and the ring member is axially spaced relative to said cap. The guarantee connection is formed flush with exterior surfaces of the cap and ring members.

The present invention as currently claimed in claim 23 is a container having a hinged guarantee closure for an opening in the container. The closure includes a non-threaded cap having an integral closing member for cooperation with the opening, and a ring member for connection to the container around the opening in a state that prevents the ring member to move relative to the container. The guarantee closure is injection moulded and formed in a closed state, i.e., with a guarantee seal. The cap and ring member are connected by a hinge element and at least one guarantee connection. The hinge element is located at a periphery of the cap and the ring member is axially spaced relative to the cap and has a coupling

part. The container is provided with a coupling part for cooperation with the ring member coupling part. The guarantee connection is formed generally flush with exterior surfaces the cap and ring members.

In contrast to the present invention, the closure device in Leach relies upon use of threads for making a sealed connection. Without the threads, the closure will no longer be able to seal the bottle. Another disadvantage with Leach's solution is that the design of the closure with threads, leads to a relatively large wall thickness of the upper part of the closure, with accompanying larger consumption of material and larger costs. Furthermore, the hinge 17 of the Leach reference is without resilience. The perhaps most relevant disadvantage with the closure device taught by Leach, is that due to the design of the closure, the closure must be moulded in an open condition, which leads to the need for a larger casting mould and consequently larger moulding machine. In further contrast to the claimed invention, the retainer portion 15 of Leach moves when the closure is unscrewed to open the container. In the closure of Leach, when the cap 16 is unscrewed, the retainer portion 15 attached to cap 16 by the hinge 17 moves upwardly towards the top of the container and when the cap clears the last thread 26, can the cap be pivoted to an open state.

The Examiner further cites Mogard et al. (US Patent No. 5,934,495), which describes a process for moulding a closure formed by injection moulding for the purpose of providing a simple and economical means of manufacturing said closure

and hinge element comprising a spring structure wherein the cap is biased to either one of an open or closed position. There is also no teaching in Mogard of a mould having a collapsible core as is currently claimed. Mogard fails to remedy the deficiencies of Leach. There are differences between this method and the closure and method described in the present invention, which will prevent the skilled person in the art from combining Leach with Mogard. Firstly, the closure described in Mogard et al, is a closure for mounting on gable topped containers, where the bottom face of the closure is mounted on the container by means of an adhesive. Secondly, the closure in Mogard has to be moulded in an open condition, and will therefore possess the same drawbacks as described above regarding Leach. Mogard states in column 7, line 20: "Once the closure 30 is formed as shown in FIGS. 10, 13 and 14, it is folded over as illustrated in FIG. 11. This folding occurs subsequent to removal from a mold and also subsequent to at least partial cooling of the closure 30. As shown in FIG. 12, the cap 38 is completely folded over to engage with the spout 32." The proposed combination also fails to show or suggest a guarantee connection that is generally flush with exterior surfaces of the cap and ring members as is currently claimed.

Claims 10, 11, 20, 21, 27 and 28 were rejected in the Action under 35 U.S.C. § 103(a) as obvious over references as applied to claim 6 and further in view of Marvin (US Patent No. 5,016,777). Marvin discloses a molded expandable

polystyrene box with a top and a bottom hinged along one edge which is provided with a dual hinge. Further to the above comments, Marvin fails to remedy the deficiencies of Leach and Mogard. Claims 10 - 11; 20 - 21; and 27 - 28 depend, either directly or indirectly, from independent claims 6, 12, and 23, respectively, and are believed to be allowable for at least the reasons set forth above and should likewise be allowable.

Conclusion

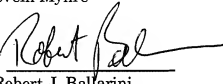
If the Examiner believes that any additional minor formal matters need to be addressed in order to place this application in condition for allowance, or that a telephone interview will help to materially advance the prosecution of this application, the Examiner is invited to contact the undersigned by telephone at the Examiner's convenience.

Applicant: Svein Myhre
Application No.: 10/501,119

In view of the foregoing amendment and remarks, Applicants respectfully submit that the present application, including claims 1 – 3, 5 – 8, 10 – 17, 19 – 24, and 26 – 37, is in condition for allowance and a notice to that effect is respectfully requested.

Respectfully submitted,

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